

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE**

FIRST CALL ENVIRONMENTAL, LLC.

Plaintiff,

v.

SILVER PHOENIX, LLC, et al.,

Defendants.

No.: 3:21-cv-00168-JEM

JURY DEMANDED

JOINT MOTION FOR CONTINUANCE

Comes now Defendants Silver Phoenix, LLC, Pyropure, Inc., and Phalanx Real Estate, LLC, (“Silver Phoenix Defendants”), by and through counsel, and Plaintiff First Call Environmental, LLC (“First Call”), by and through counsel, and respectfully moves this Court for a continuance in this matter. As grounds to grant this Motion, counsel would show unto this Court as follows:

1. Counsel for Plaintiff and Counsel for Defendant have worked collegially through written discovery, which is still ongoing. Plaintiff has responded to Defendants’ written discovery, but Defendants discovery responses are still outstanding.
2. Deposition dates and parties have been discussed between counsel as well, but Defendants’ written discovery needs to be completed prior to these depositions taking place.
3. The Defendants’ written discovery, in part, has moved slower than expected due to medical issues with Defendants’ counsel.

4. Counsel for all parties are in agreement that a continuance in this matter will allow the parties to properly conduct discovery, which is necessary for trial and may lead to a resolution in this matter.

5. Counsel proposes a trial date set in Spring 2024, to include a new scheduling order based on that new trial date.

WHEREFORE, Counsel respectfully moves this Court to grant its Motion for Continuance and any other relief this Court deems proper.

Respectfully submitted this 1st day of February, 2023.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on February 1, 2023, a true and exact copy of the foregoing pleading has been filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's electronic filing system.

LEIBOWITZ LAW FIRM, PLLC

s/Lawrence P. Leibowitz

Lawrence P. Leibowitz

Brandon J. Tindell